

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CARY J. PICKETT,
Plaintiff,
v.
PAUL VALDEZ, *et al.*,
Defendants.

Case No. 3:17-cv-00567-MMD-WGC
ORDER

11 Pro se Plaintiff Cary Pickett filed a civil rights complaint under 42 U.S.C. § 1983.
12 Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of
13 United States Magistrate Judge William G. Cobb (ECF No. 102), recommending that
14 Pickett’s motion for summary judgment (ECF No. 96) be denied. Pickett had until June
15 23, 2021, to file an objection. To date, no objection to the R&R has been filed. For this
16 reason, and as explained below, the Court adopts Judge Cobb’s R&R and will deny
17 Pickett’s motion for summary judgment.

18 The Court “may accept, reject, or modify, in whole or in part, the findings or
19 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party
20 fails to object to a magistrate judge’s recommendation, the Court is not required to
21 conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas*
22 *v. Arn*, 474 U.S. 140, 149 (1985); see also *United States v. Reyna-Tapia*, 328 F.3d 1114,
23 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and
24 recommendations is required if, but *only* if, one or both parties file objections to the
25 findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory
26 Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no
27 clear error on the face of the record in order to accept the recommendation.”).

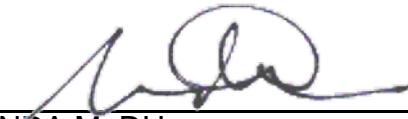
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1 Because there is no objection, the Court need not conduct *de novo* review, and is
2 satisfied Judge Cobb did not clearly err. Here, Judge Cobb recommends Pickett's motion
3 for summary judgment be denied as there remains a genuine dispute of material fact
4 regarding whether Defendant Paul Valdez granted Pickett permission to remove food out
5 of chow hall, and as a result, if the charges against Pickett were valid or retaliatory. (ECF
6 No. 102 at 5-10.) The Court agrees with Judge Cobb. Having reviewed the R&R and the
7 record in this case, the Court will adopt the R&R in full.

8 It is therefore ordered that Judge Cobb's Report and Recommendation (ECF No.
9 102) is accepted and adopted in full.

10 It is further ordered that Plaintiff Cary Pickett's motion for summary judgment (ECF
11 No. 96) is denied.

12 DATED THIS 28th Day of June 2021.

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16 MIRANDA M. DU
17 CHIEF UNITED STATES DISTRICT JUDGE
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